

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NUMBER: 22332/2010

5 **DATE:** 28 APRIL 2011

In the matter between:

RADIO RETAIL (PTY) LTD

RADIO RETAIL FOR SPAR (PTY) LTD

10 **ZAPOP (PTY LTD**

and

PRIMEDIA (PTY) LTD t/a PRIMEDIA INSTORE

J U D G M E N T

15 **Application for Leave to Appeal**

HENNEY, AJ:

20 I will proceed *ex tempore*. I think it will be proper, firstly, to grant the order in terms of Rule 42, should the application for leave to appeal be granted and that it should form properly part of the court's finding. The intention of the court initially was to include this one Spar franchisee. Therefore, in terms
25 of Rule 42(1)(b), in order to address this omission I rule that it
/bw

/...

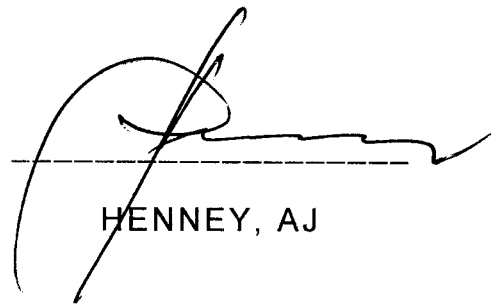
be inserted in sub-paragraph 5.2 of the court's order and form part of the judgment handed down on 10 March 2011, and that 5.2 of paragraph 46 should read:

5 “Respondent is interdicted from unlawfully
competing with the applicants by interfering with the
contracted relationships between the applicants and
the respective Spar franchisees, namely those set
out in Annexure A attached to the notice of motion
10 as amended to include Inzeleli Spar, Pavilion Spar,
The Hill Spar, Vaughn Aveli Spare and also Edline
One Stop Spar by soliciting any of these entities to
breach or sever the agreements with the
applicants.”

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Insofar as the application for leave to appeal is concerned, I
am of the view that applicants in this application for leave to
appeal, has made out a strong case. I am of the view that
there is a great chance that another court might come, insofar
20 as the issues raised, come to a different conclusion.
Therefore, the application for leave to appeal against the
judgment to the Supreme Court of Appeal is granted. The
costs then for this application would then stand over as costs
in the cause.

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A handwritten signature in black ink, consisting of a large, stylized 'A' followed by 'J' and a long horizontal stroke with a small upward flick at the end. The signature is written over a horizontal dashed line.

HENNEY, AJ